

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

December 6, 2016

IN RE:	)	
	)	
PETITION OF OLD HICKORY WATER, LLC TO POST	)	DOCKET NO.
ALTERNATIVE FINANCIAL SECURITY	)	16-00077

---

ORDER GRANTING AMENDED MOTION TO ALLOW WITNESS TO  
PARTICIPATE BY TELEPHONE

---

This matter is before the Hearing Officer upon an *Amended Motion to Allow Witness to Appear and Participate Telephonically at Hearing* (“*Amended Motion*”) filed on behalf of Old Hickory Water, LLC (“Old Hickory” or “Petitioner”) on December 6, 2016. In its *Amended Motion*, Old Hickory requests permission for its witness to participate by telephone in the hearing on its *Petition for Approval of Alternative Financial Security* (“*Petition*”) to be held during the Tennessee Regulatory Authority (“Authority” or “TRA”) Conference scheduled to begin at 1:00 p.m. (CST) on December 12, 2016.

Under the Tennessee Uniform Administrative Procedures Act, decisions involving telephone participation in a hearing are within the hearing officer’s discretion:

(c) In the discretion of the administrative judge or hearing officer and agency members and by agreement of the parties, all or part of the hearing may be conducted by telephone, television or other electronic means, if each participant in the hearing has an opportunity to participate in, to hear, and, if technically feasible, to see the entire proceedings while taking place.<sup>1</sup>

In support of its request for telephonic participation, Old Hickory asserts that personal appearance by its company representatives and its witness, who live in Middlesboro, KY, and

---

<sup>1</sup> Tenn. Code Ann § 4-5-312(c) (2015).

Maynardville, TN, would be burdensome; therefore, Old Hickory requests permission for its witness to testify by phone. Further, the Petitioner agrees to comply with the conditions of telephone participation required by the Authority. Therefore, in accordance with the above-referenced statute and considering that the request was timely-filed and that personal appearance by the witness would be burdensome, the Hearing Officer grants Petitioner's *Amended Motion*, subject to compliance with the following conditions:

1. Petitioner's attorney shall appear personally at the hearing to present and facilitate questioning of the Petitioner's witness.

2. Petitioner is required and solely responsible for securing a properly licensed Notary Public, in good standing, in the State or jurisdiction where the witness is giving telephonic testimony. During the hearing, the Notary Public shall be in the same physical location and appear with the testifying witness.

3. The Notary Public secured by the Petitioner shall be duly authorized to administer the testimonial oath, and shall do so during the hearing. The Notary Public is required to remain in the presence of the witness at all times during the witness' testimony until such time as the witness is excused from examination.

4. After the hearing, the Notary Public shall prepare and sign an affidavit, which bears the official seal of the Notary Public, affirming, (1) the proven identity of the witness, (2) the fact that the Notary Public properly administered the testimonial oath to such person, and (3) that the testimony given by the sworn witness was in accordance with the highest ethical and legal standards, as observed by the Notary Public. In addition, the testifying witness shall sign a conforming Witness Certification. (As a courtesy, Exhibit A contains sample forms of the *Witness Certification and Notary Public Affidavit*.)


5. The original Witness Certification and Notary Public Affidavit must be post-

marked within five (5) days of the hearing and received by the Authority's Docket Manager via postage-paid U.S. Mail. Should the required affirming documents not be received by the Docket Manager as required above, the testimony of the witness may be struck from the record and constitute sufficient cause for denial of the *Petition*.

**IT IS THEREFORE ORDERED THAT:**

1. Subject to the conditions set forth in this Order, the witness for Old Hickory Water, LLC may appear and participate by telephone in the hearing noticed for December 12, 2016 at 1:00 p.m. (CST).

2. To avoid disruption of other matters scheduled for the consideration of the Authority, persons authorized to participate by telephone shall call 800-689-9374/Guest Passcode 233602# at least **five (5) minutes before the start time set for the Authority Conference** (1:00 p.m. CST). The Authority Conference will begin promptly.

  
Monica Smith-Ashford, Hearing Officer

cc: Interested Parties  
Original in Docket File

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

**IN RE:**

**(Case Style)**

)  
)  
)  
)  
)  
)

**Docket No. 00-00000**

---

**WITNESS CERTIFICATION**

---

Affiant, duly sworn according to law, states as follows:

I, \_\_\_\_\_, attest and certify that on \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I gave sworn testimony by telephonic means at a hearing in the above-styled docket before the Tennessee Regulatory Authority. I have read the Affidavit of the Notary Public, executed by Mr. Mrs. \_\_\_\_\_, who administered the testimonial oath to me and witnessed my testimony, and I further acknowledge and affirm that the testimony I provided during the hearing complied with the highest ethical and legal standards.

**FURTHER WITNESS WITH NOT.**

WITNESS my hand, in office, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

---

**SIGNATURE OF WITNESS**

---

**NAME OF WITNESS (Printed)**

**EXHIBIT A**

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

IN RE:

(Case Style)

)  
)  
)  
)  
)  
)

Docket No. 00-00000

NOTARY PUBLIC AFFIDAVIT

Affiant, duly sworn according to law, states as follows:

1. I, \_\_\_\_\_, am a duly licensed Notary Public in good standing in the State of \_\_\_\_\_, County of \_\_\_\_\_. This Affidavit is made of my own personal knowledge.

2. My business address and telephone number where I may be contacted is:

3. To provide sworn testimony by telephone before the Tennessee Regulatory Authority, \_\_\_\_\_ ("Witness") appeared personally before me and provided \_\_\_\_\_ (type of identification), which I verified, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

3. During the hearing, I properly administered the testimonial oath to the Witness before he/she testified by telephone before the Tennessee Regulatory Authority.

4. I remained in the presence of the Witness at all times during his/her testimony until such Witness was excused from examination by the Authority panel or Hearing Officer.

5. To the extent observable, the testimony given by the Witness was in accordance with the highest ethical and legal standards.

**FURTHER AFFIANT SAITH NOT.**

WITNESS my hand, at office, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**(OFFICIAL SEAL)**

\_\_\_\_\_  
**NOTARY PUBLIC**

\_\_\_\_\_  
**NOTARY PUBLIC (Printed)**

My Commission Expires:

**SAMPLE**